

REMARKS

This Amendment is responsive to the Office Action dated June 24, 2003 (with effective date reset to July 28, 2003). Claims 1-26 were pending in the application. In the Office Action, claims 1-8, 10-21 and 23-26 were rejected, and claims 9 and 22 were objected to. Claims 1-26 thus remain for consideration.

Applicants submit that claims 1-26 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§102 Rejections

Claims 1-6, 8, 10-19, 21 and 23-26 were rejected under 35 U.S.C. §102(e) as being anticipated by Hill et al. (US Patent No. 5,715,318).

Claims 1-8, 10-21 and 23-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Devitt et al. (WO 91/13497).

Applicants submit that the independent claims (claims 1 and 14) are patentable over Hill and Devitt.

Applicants' invention as recited in the independent claims is directed toward a system and method for controlling a music spatialisation unit. Each of the claims recites storing data representative of at least one sound source and a listener, enabling a user to control a change in the position data corresponding to the listener or a selected source, and "changing, in response to the position data change controlled by the user, at least some of the position data corresponding to the element(s), among the listener and the sound sources, other than said selected listener or sound source, in accordance with predetermined constraints." (emphasis

supplied) Supporting disclosure for the emphasized aspect of Applicants' invention may be found in the specification at, for example, page 6, line 25 – page 7 line 2.

Neither Hill nor Devitt discloses a system in which a user can change the position of a listener or sound source and the system will respond to the user specified change by changing at least some of the position data corresponding to the listener and/or sound source(s), other than the selected listener or sound source, in accordance with predetermined constraints. In this regard, Applicants note that the Examiner cites Hill's "p. 7, 9, 13-14; fig. 8" as disclosing a "constraint solver means." However, close inspection of Hill reveals nothing that could be construed as a constraint solver means for "changing, in response to [a] position data change controlled by [a] user, at least some of the position data corresponding to the element(s), among the listener and the sound sources, other than said selected listener or sound source, in accordance with predetermined constraints." (emphasis supplied) Further, Applicants note that the Examiner attempts to equate Devitt's computer (Devitt Fig. 1, element 30) to Applicants' "constraint solver means." However, nowhere does Devitt disclose that its computer performs a function like Applicants' constraint solving scheme.

Since neither Hill nor Devitt discloses a system in which a user can change the of the position of a listener or sound source and the system will respond to the user specified change by changing at least some of the position data corresponding to the listener and/or sound source(s), other than the selected listener or sound source, in accordance with predetermined constraints, Applicants believe that claims 1 and 14 are patentable over Hill and Devitt - taken either alone or in combination - on at least this basis. If the Examiner remains unconvinced of Hill and Devitt's deficiencies, Applicants respectfully request that the Examiner point out with specificity where Hill and/or Devitt teach or suggest Applicants' constraint solving scheme.

Claims 2-13 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-13 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claims 15-26 depend on claim 14. Since claim 14 is believed to be patentable over the cited references, claims 15-26 are believed to be patentable over the cited references on the basis of their dependency on claim 14.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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